

CHAPTER 1

INTRODUCTION

Purpose of the Bill

1.1 On 8 February 2007, the Senate referred the provisions of the AusCheck Bill 2006 (Bill) to the Standing Committee on Legal and Constitutional Affairs, for inquiry and report by 14 March 2007.

1.2 The purpose of the Bill is to provide the regulatory framework for the AusCheck scheme: AusCheck will be the centralised background criminal and security checking service for persons requiring access to security zones in the aviation and maritime industries.¹ AusCheck is being established as a service agency and it is intended that AusCheck will act as a service provider in its provision of background checking coordination services.²

1.3 The Bill provides authority for AusCheck to coordinate background checks for applicants of the Aviation Security Identity Card (ASIC) and the Maritime Security Identity Card (MSIC), and any subsequent schemes. It also provides authority for AusCheck to maintain a database of applicants and cardholders; to collect, use and disclose information; and to recover costs for conducting background checks.³

Background

1.4 In late 2005, the Australian Government agreed to establish AusCheck, a new division in the Attorney-General's Department (Department), to coordinate

1 Explanatory Memorandum (EM), p. 1.

2 Attorney-General's Department, *Submission 15*, p. 5.

3 EM, p. 1. AusCheck will be responsible for notifying the relevant issuing body of the outcome of a background check and will provide a recommendation to the issuing body on an applicant's eligibility. Lists of ASIC and MSIC issuing bodies can be found on the Department of Transport and Regional Services (DOTARS) website at <http://www.dotars.gov.au/transport/security/aviation/airports.aspx>; <http://www.dotars.gov.au/transport/security/aviation/operators.aspx>; and http://www.dotars.gov.au/transport/security/maritime/msic_issuing_body.aspx (accessed 13 February 2007). Until AusCheck commences operations, the assessment of an application for an ASIC or a MSIC will be conducted by DOTARS.

background checks on people who are required to have an ASIC or MSIC.⁴ According to the Explanatory Memorandum (EM), the Australian Government's decision to establish AusCheck followed a recommendation by Sir John Wheeler in his report, *An Independent Review of Airport Security and Policing for the Government of Australia* (Wheeler Report),⁵ and 'is part of the Australian Government's ongoing commitment to improve aviation and maritime security'.⁶

1.5 The EM notes further that:

The establishment of AusCheck will assist the Australian Government to develop a nationally consistent approach to conducting background checks and allow the development of a single database of applicants and card holders. The database will minimise duplication of effort where individuals have a need to undertake background checks for different purposes and should improve the Australian Government's response to a security alert by providing a centralised repository of information on persons required to enter secure areas.⁷

1.6 The EM states that the expected cost to operate AusCheck service delivery on an annual basis is in the vicinity of \$8-9 million which will be cost recovered from the aviation and maritime industry.⁸ AusCheck is scheduled to commence operation on 1 July 2007.⁹

Conduct of the inquiry

1.7 The committee advertised the inquiry in *The Australian* newspaper on 21 February 2007 and 7 March 2007, and invited submissions by 23 February 2007. Details of the inquiry, the Bill, and associated documents were placed on the

4 EM, p. 2. An ASIC is required if a person needs to work in an airside area or a landside security zone at a security-controlled airport that has regular public transport services; an ASIC is valid for two years. A MSIC is required if a person needs to work unescorted or unmonitored in a maritime security zone; a MSIC is valid for five years. An ASIC or MSIC indicates that the holder has been background-checked and that the check revealed that they are of suitable character to be in a secure area. See further Attorney-General's Department, Draft *AusCheck Cost Recovery Impact Statement*, p. 5 at

[http://www.ag.gov.au/www/agd/rwpattach.nsf/VAP/\(4341200FE1255EFC59DB7A1770C1D0A5\)~auscheck-cris.pdf/\\$file/auscheck-cris.pdf](http://www.ag.gov.au/www/agd/rwpattach.nsf/VAP/(4341200FE1255EFC59DB7A1770C1D0A5)~auscheck-cris.pdf/$file/auscheck-cris.pdf) (accessed 13 February 2007).

5 The Rt Hon Sir John Wheeler DL, *An Independent Review of Airport Security and Policing for the Government of Australia*, September 2005 at http://www.aspr.gov.au/docs/Security_and_Policing_Review_PUBLIC.pdf (accessed 13 February 2007).

6 p. 2.

7 p. 2.

8 p. 2.

9 The Hon Mr Philip Ruddock MP, Attorney-General, *House of Representatives Hansard*, 7 December 2006, p. 12.

committee's website. The committee also wrote to over 80 organisations and individuals.

1.8 The committee received 21 submissions which are listed at Appendix 1. Submissions were placed on the committee's website for ease of access by the public.

1.9 The committee held a public hearing in Canberra on 1 March 2007. A list of witnesses who appeared at the hearing is at Appendix 2 and copies of the Hansard transcript are available through the Internet at <http://aph.gov.au/hansard>.

Acknowledgement

1.10 The committee thanks those organisations and individuals who made submissions and gave evidence at the public hearing.

Note on references

1.11 References in this report are to individual submissions as received by the committee, not to a bound volume. References to the committee Hansard are to the proof Hansard: page numbers may vary between the proof and the official Hansard transcript.

